

# REMARKS

Claims 1-23 are pending in the application. Claims 1-23 are rejected.

Claims 1 and 2 have been amended to clarify the claimed invention. Applicant's claim 1 and claim 2 include "a distinguishing unit for classifying, as target traffics, specified data packets ....; an encapsulating unit for encapsulating the classified specified data packets defined as a QoS guarantee target on the basis of addresses of QoS guaranteeing apparatuses...."

In the last Office Action, page 2, it was argued by the Examiner that:

- (i) Tunnel using aggregation reads on the underlined limitation of encapsulating the specified data packets defined as a QoS Guarantee target on the basis of address of QoS guaranteeing apparatuses; and
- (ii) Chauh teaches "QoS tunnel aggregation from a source gateway perspective".  
Guerin teaches "tunnel aggregation from a QoS destination gateway perspective from a source gateway".

In the middle of page 4 of the Office Action, the examiner pointed out the feature of Chauh corresponding to applicant's claimed distinguishing unit, for example, in claim 1.

However, as described below the flow in RSVP of Guerin indicates a set of packets that are classified by destination address, protocol ID, and destination port of TCP or UDP.

In contrast applicant claims encapsulating the classified specified data packets defined as a QoS Guarantee target on the basis of address of QoS guaranteeing apparatuses.

Applicant's claimed "specified data packets" is different from the references which teach simply target traffic. To clarify claims 1 and 2 now recite classifying, as target traffics, specified data packets ....; an encapsulating unit for encapsulating the classified specified data packets.

It is respectfully submitted the Office Action only pointed out "distinguishing unit for classifying target traffics", in contrast there was no mention of the claimed "specified data packets". Because applicant's claimed invention is not suggested by the combination of references the rejection should be withdrawn.

#### Claim Rejections

Claims 1-17, 19, 22 and 23 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent to Chuah et al. (Chuah) in view of "Aggregating RSVP-based QoS Requests" by Guerin.

Chuah does not disclose an encapsulating unit and decapsulating unit, as claimed by applicant. The Office Action argues that it would have been obvious to provide functional units to aggregate the traffic so that a set of traffics appear as if being one session.

The Guerin article, in particular section 3.1 Tunnel Based Aggregation, is offered to support this statement and to show that encapsulation of data packets has been known.

However Guerin discloses that "packets (data and control) belonging to the corresponding RSVP flows are encapsulated in IP packets with an IP destination address".

In Guerin, lines 3-6 of the "3.1. Tunnel Based Aggregation," "the corresponding RSVP flows are encapsulated in IP packets." Guerin clearly relies on the RSVP flows being encapsulated in IP packets.

The flow in RSVP indicates a set of packets that are classified by destination address, protocol ID, and destination port of TCP or UDP.

This is different from applicant's claimed invention. In particular, Guerin fails to disclose or suggest encapsulating the classified specified data packets defined as a QoS Guarantee target on the basis of address of QoS guaranteeing apparatuses.

The flow of RSVP is described in REC2205 (Resource Protocol (RSVP)-Version 1 Functional Specification as follows:

1.1. Data Flows: RSVP defines a "session" to be a data flow with a particular destination and transport-layer protocol. RSVP treats each session independently, and this document often omits the implied qualification "for the same session".

An RSVP session is defined by the triple: (DestAddress, Protocol Id [, DstPort]). Here DestAddress, the IP destination address of the data packets, may be a unicast or multicast address. Protocol id is the IP protocol ID.

However, as described below the flow in RSVP of Guerin indicates a set of packets that are classified by destination address, protocol ID, and destination port of TCP or UDP.

Therefore there is no disclosure or suggestion in the "3.1. Tunnel Based Aggregation" of encapsulating the specified data packets defined as a QoS Guarantee target on the basis of address of QoS guaranteeing apparatuses. Applicant's claimed invention is not suggested by the combination of references.

It is again submitted that Chuah teaches away from Guerin because the method in Chuah cannot operate when one or more network devices exist between TSP and TDP. Chuah teaches

(col. 3, lines 23-26) that it is possible to carry end-to-end RSVP session over an RSVP tunnel, which is just an RSVP session with the TSP as a sender and the TDP as a receiver. TSP and TDP are shown in Fig. 3 which is the only figure of the Chuah disclosure which shows a network per se.

Because Guerin teaches Tunnel Based Aggregation it would be impossible for intermediate devices between TSP and TDP in Chuah to reserve resources such as bandwidth for the flow in RSVP.

Chuah provide a method to improve a resource reservation method itself of RSVP. In contrast, the present invention is directed to an IP communication network system for guarantee a quality of a set of classified specified data packets for. Accordingly, the objective and method of Chuah are entirely different from that of the present claimed invention.

It is respectfully requested the rejection be withdrawn for at least the foregoing reasons.

Claim 18 is rejected under 35 U.S.C. 103 as being unpatentable over Chuah et al. in view of Guerin and further in view of Harrison et al. U.S. Patent (6,091,709). Claims 20-21 are rejected under 35 U.S.C. 103 as being unpatentable over Chuah et al. in view of Guerin et al., and further in view of "Stage Refresh Timers for RSVP "by Pan et al.

Likewise these rejections should be withdrawn for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian S. Myers  
Reg. No. 46,947

CUSTOMER NUMBER 026304  
Telephone: (212) 940-8703  
Fax: (212) 940-8986 or 8987  
Docket No.: FUJY 17.397 (100794-11428)  
BSM:fd